

-28-

**REMARKS**

This amendment is responsive to the Office Action of December 3, 2003. Reconsideration and allowance of claims 1-86 are requested.

**The Office Action**

Claims 1-72 stand allowed.

Claims 73-86 stand rejected as being substantially duplicative of dependent claims 6, 13, 17, 22, 28, 33, 38, 44, 48, 54, 58, 63, 66, and 72.

**The Present Amendment**

First, reconsideration of the rejection to claims 77 and 81 is requested. Claim 77 is said to correspond to dependent claim 28. Dependent claim 28 depends from claim 27, which depends from claim 26, which depends from claim 25, which depends from claim 23. In placing claim 77 in independent form, all of the subject matter of intervening dependent claims 25-27 was not included. For example, the claim 27 requirement for a single-photon emission mode does not appear in claim 77. Analogously, claim 81 does not include the single-photon emission mode requirement of dependent claim 47, from which claim 48 depends. Accordingly, it is submitted that claims 77 and 81 are not substantially duplicative.

To create a variation in the scope of the claims without raising issues that would require further search or consideration, the applicants propose to change selective limitations of apparatus claims 73-76, 80, and 82-84 to present these limitations in means plus function format. The applicants further propose to amend claim 79 to claim the processor for performing the stated functions rather than the processing logic. Finally, the applicants propose to convert method claims 85 and 86 to apparatus claims by prefacing each of the previously recited steps with "means for".

It is asserted that claims 73-86 are now allowable for the reasons set forth in the Examiner's Notice of Allowability and raise no issues which would require further search or consideration. Moreover, for the reasons set forth above, it is submitted that claims 73-86 are not substantially duplicative of claims 6, 13, 17, 22, 28, 33, 38, 44, 48, 54, 58, 63, 66, and 72.

-29-

Telephone Interview

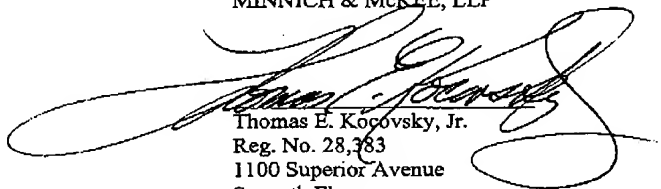
If the Examiner is not convinced that the present application is completely and fully in condition for allowance, it is requested that she telephone the undersigned Thomas E. Kocovsky at (216) 861-5582 x122 to receive authorization to make any amendments which remain necessary by Examiner's Amendment.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-86 (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MENNICH & McKEE, LLP



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2518  
(216) 861-5582

N:\PKRZ\200862\HMM\0000083V001.DOC